

REMARKS**Claim 24**

The Examiner has objected to the form of claim 24. Applicant has amended claim 24 by explicitly incorporating the features of claims 22 and claim 1 into claim 24, which is considered to be a proper form.

Election of Inventions

The Examiner has requested an election of a single invention for prosecution on the merits. The Examiner has identified the following inventions:

Invention I Claims 1-21 and 27-104, drawn to a stent, classified in class 623, subclass 1.15

Invention II Claims 22, and 23, drawn to a catheter, classified in class 606, subclass 108

Invention III Claims 25 and 26, drawn to a method of positioning a stent, classified in class 612, subclass 1.12

The Examiner's position is that the inventions are distinct.

The Examiner reasons that inventions I and II are distinct because they are subcombinations usable together in a single combination. The Examiner states that invention I may be implanted with a catheter that has a holding device to hold it instead of a sheathing device of claim 22, and that invention II has separate utility such as deploying devices other than stents. Applicant does not traverse this requirement and, therefore, claims 22 and 23 are cancelled, with applicant reserving the right to re-present them in a further prosecution.

The Examiner reasons that inventions III and I are related as process and apparatus for its practice, and the Examiner states that the apparatus claimed in invention may be implanted using a different process than that claimed in the claims of invention III, for example, without first partially expanding the stent. It is not clear to the applicant how the stent can go from a non-expanded state to a fully-expanded state without passing

at least ephemerally though a partially-expanded state, so the applicant traverses this requirement.

While the applicant traverses the restriction requirement, applicant recognizes the requirement to elect an invention for prosecution, and elects Invention I.

Respectfully submitted,



Stephen L. Grant
Reg. No 33,390
Hahn Loeser + Parks LLP
1225 W. Market St.
Akron, OH 44313